Thank you for your communication, which we have read with great interest.

Sweden's Constitution prevents ministers, their political staffers and civil servants to comment on individual cases handled by independent authorities. This principle, called Ministerial Governance, prevents us from commenting on the assessment and actions by social services. However, we have been informed that the matter in question is currently being scrutinized by the County Administrative Board, the government authority which supervises municipal social services.

In light of your remarks, I would like to take this opportunity to briefly describe some of the most important aspects of social service legislation in Sweden on matters relating to children and young people.

Parents are first and foremost responsible for their children and their well being. Nevertheless, municipal social services, through the Social Welfare Committee, act on behalf of children and youth to ensure that they are growing up in secure and good conditions. This is regulated in, inter alia, the Social Services Act of 2001, which gives the municipality, via the Social Welfare Committee, special responsibility for children and young people who - due to either the home situation or their own behavior - find themselves in a situation detrimental to their health and development. The Committee is responsible for providing necessary support and protection, and in certain situations defined in the legislation, care and upbringing outside the home.
Services according to the Social Services Act are always voluntary. In cases where the child is assessed to be in danger, there are special provisions for such care in the Care of Young Persons Act of 1990.

There are two important principles to be kept in mind in relation to the above. First of all, the child's best interests and the child's right to be heard should be obvious starting points in all actions concerning children in social services. This is enacted by, inter alia, Chapter 1 Paragraph 2 of the Social Services Act, which corresponds to Article 3 of the United Nations Convention on the Rights of the Child (UNCRC).

The second important principle is that social services intervention for children and young people should – if in keeping with the child's best interest – help the family to provide children with a physically and emotionally safe environment. This means that social services not only have an obligation to offer support to families and children, but also to intervene and remove a child from a family if the child's health and development are

endangered. A guiding principle in out-of-home care is that a child be returned home as soon as possible, provided that this is in the best interest of the child. In such cases, social services are responsible for providing services to the parents to enable the child to move back home. Overall, this demonstrates that intervention by the social services is never an end in itself.

Examples of situations in which the Social Services Committee is obligated to intervene are cases of physical or psychological abuse, sexual abuse or neglect. In such situations – if the support or intervention offered to the parents by social services is not accepted – the Care of Young Persons Act gives the Social Welfare Committee the responsibility to apply to the County Administrative Court for a care order. Parents, as well as the child, are granted legal representation free of charge. The Social Services Committee is required to follow up every six months on a child in out-of-home care with the aim of ending the care when it is in the best interest of the child to return home.

As you also referred to the issue of home schooling, we would like to mention the following:

The legislative history of the current Education Act states that home schooling in isolated cases, mainly in the lower grades, might be an acceptable substitute for education if a particular external circumstance exists. Examples of such are: if the child lives in a sparsely populated area or needs special care. Legal practice shows that the situation also arises when parents for other reasons, such as philosophical or religious, want to educate their children at home. In connection with the new Education Act, these rules are now being reviewed.

Sincerely,

Stig Berglind
Minister/Press Counselor
Embassy of Sweden, Washington D.C.